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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,175	02/18/2004	Michael R. Oldenburg	6919.03	1818

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S. Wade Johnson
DORSEY & WHITNEY LLP
Intellectual Property Department
50 South Sixth Street, Suite 1500
Minneapolis, MN 55402-1498

EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/781,175	Applicant(s) OLDENBURG, MICHAEL R.	
	Examiner Vishal Patel	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-10,12-15,17-20,22-32,34,36-39,41-44,46-49 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 54-57 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-10,12-15,17,18,20,22-32,34,36-39,41-44,46-49 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| ✓ 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

No double patenting rejection is necessary for claim 54-57 because applicant has filed proper terminal disclaimer.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 7-10, 12-15, 17-18, 20, 22-25, 26-32, 34, 36-39, 41-44, 46-49 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanda US. 5,649,710).

Regarding claim 1: Kanda discloses a seal for sealing a shaft, the seal comprising a sleeve constructed to be disposed generally coaxially around the shaft (sleeve 12) and comprising a parallel sleeve portion (sleeve portion that contacts the shaft 18) that is generally parallel to the longitudinal axis of the shaft and a radially extending sleeve portion (portion having 70) that extends generally radially away from the longitudinal axis of the shaft, an outer housing (housing that surrounds the sleeve) configured to generally surround the sleeve and comprising a parallel housing portion (portion 46 and 16) that is generally parallel to the longitudinal axis of the shaft, a radially extending housing portion that extends generally radially towards the longitudinal axis of the shaft (52), and a faceplate portion (66) that extends generally radially towards the longitudinal axis of the shaft, a first elastomeric protrusion (protrusion that extends from a base

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to the end of 70) extending generally between the radially extending sleeve portion and the faceplate portion and including a base (base that is attached to the radially extending sleeve portion, the thickness of the protrusion is extending both radially toward the longitudinal axis of the shaft) and an end generally opposite the base (end of 70) and oriented **generally** radially towards the longitudinal axis of the shaft (the end extends **generally** radially towards the longitudinal axis of the shaft) and a second elastomeric protrusion (60) including a base secured to the housing and an end generally opposite the base, wherein the end is oriented generally radially away from the longitudinal axis of the shaft (the end of 60 is oriented generally radially away from the longitudinal axis of the shaft). All the protrusions that are on the radially extending housing portion have a base that is adjacent to a distal end of the radially extending housing portion.

Regarding claim 2: The base of the second elastomeric protrusion is secured to the radially extending housing portion (60 is attached to 52).

Regarding claim 4: The end of the second elastomeric protrusion is oriented generally both radially away from the longitudinal axis of the shaft and axially outward (60 is oriented generally axially outward of the longitudinal axis of the shaft).

Regarding claim 5: The seal having a third elastomeric protrusion including a base secured to the housing and an end generally opposite the base (any one of 76 or 74 or 82).

Regarding claim 7: The base of the third elastomeric protrusion is secured to the radially extending housing portion (the third elastomeric protrusion is secured to the radial portion of the housing).

Regarding claim 8: The third elastomeric protrusion (protrusion being 82) is oriented generally axially outward.

Regarding claim 9: The end of the third elastomeric protrusion is oriented generally axially inward (protrusion being 76).

Regarding claim 10: The seal having a forth elastomeric protrusion (protrusion 76) including a base secured to the housing and an end generally opposite the base.

Regarding claim 12: The base of the fourth elastomeric protrusion is secured to the radially extending housing portion.

Regarding claim 13: The end of the fourth elastomeric protrusion is oriented generally axially outwardly (the fourth elastomeric protrusion 76 is extended outwardly of the longitudinal axis of the shaft).

Regarding claim 14: The end of the fourth elastomeric protrusion is oriented generally axially inward (the fourth elastomeric protrusion is 74 and the third elastomeric protrusion is 82).

Regarding claim 15: The seal having a fifth elastomeric protrusion including a base secured to the housing and an end generally opposite the base (the fifth protrusion is 74).

Regarding claim 17: The base of the fifth elastomeric protrusion is secured to the radially extending housing portion.

Regarding claim 18: The end of the fifth elastomeric protrusion is oriented axially inward (74 is oriented axially inward).

Regarding claim 20: The seal having a third elastomeric protrusion including a base secured to the radially extending sleeve portion and an end generally opposite the base and

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displaced against the housing, wherein the end is oriented both generally radially away from the longitudinal axis of the shaft and axially outwardly (third protrusion at the distal end of 36).

Regarding claim 21: The end of the third elastomeric protrusion is displaceable (capable of being displaced) against the parallel housing portion (the third elastomeric protrusion is capable of being displaced).

Regarding claims 22-23: The first elastomeric protrusion has an acute undercut angle (the acute angle on the surface of 70 that faces shaft 18).

Regarding claim 24: The base of the first elastomeric protrusion is secured to the radially extending sleeve portion. The first elastomeric protrusion is extended axially and radially in relation to the longitudinal axis of the shaft.

Regarding claim 25: The first elastomeric protrusion is configured and oriented to guide inward traveling debris from the end of the first elastomeric protrusion toward the base of the first elastomeric protrusion.

Regarding claim 26: see claims 1 and 20 above.

Regarding claim 27-28: see claims 22-23 above.

Regarding claim 29: see claim 24 above.

Regarding claim 30: see claim 25 above.

Regarding claims 31-33: see claims 2-4 above.

Regarding claim 34: The seal having an elastomeric coating on an outer surface of the housing and/or an outer surface of the sleeve (outer coating 54 and 44).

Regarding claim 35: see claim 21 above.

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Regarding claim 36: The faceplate portion comprises a parallel faceplate portion (parallel portion 66) that is generally parallel to the longitudinal axis of the shaft and a front cover portion (66) that extends generally radially toward the longitudinal axis of the shaft from the parallel portion.

Regarding claim 37: The faceplate portion further comprises a third portion (16) that extends generally radially towards the longitudinal axis of the shaft from the parallel faceplate portion.

Regarding claims 38-42: see claims 5-9 above (the third protrusion is the fourth protrusion).

Regarding claims 43-47: see claims 10-14 above (the fourth protrusion is the fifth protrusion).

Regarding claims 48-51: see claims 15-18 above (the fifth protrusion is the sixth protrusion).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanda in view of Sekulch (US. 3,572,732).

Kanda discloses the invention substantially as claimed above but fails to disclose that the fifth lip has a garter spring. Sekulch teaches to have a lip seal to have a garter spring or not to

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have a garter spring. Furthermore Sekullech teaches to have a dust lip connected to a faceplate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the fifth lip and the faceplate of Kanda to have a garter spring and a fourth protrusion, respectively as taught by Sekullch, since having a garter spring or not to have a garter spring is considered to be art equivalent and to prevent dust from entering an environment that is sealed (see Sekullech).

Allowable Subject Matter

5. Claims 54-57 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 12/8/05 have been fully considered but they are not persuasive.

Applicants' argument that the first elastomeric protrusion extending **generally** between the radially extending sleeve and the faceplate portion is not persuasive because as seen in the reference of Kanda the protrusion is generally between the faceplate portion (66) and the radially extending sleeve.

Applicants' argument that the end of the first elastomeric protrusion is oriented **generally** radially towards the longitudinal axis of the shaft is not persuasive because as noted in the office action above the protrusion is oriented generally radially toward the longitudinal axis (an end of 70 generally opposite the base and oriented **generally** radially towards the longitudinal axis of the shaft because the base is attached to the radially extending sleeve portion and the thickness of

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the protrusion is extending both radially toward the longitudinal axis of the shaft and axially inwardly.

Applicants' argument that the element 70 of Kanda does not appear to extend between the radially extending sleeve and the faceplate portion is not persuasive because applicant has claimed that the first elastomeric protrusion is extending **generally between** not between.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP
February 9, 2006

A handwritten signature in black ink, appearing to read "Vishal Patel". The signature is fluid and cursive, with the first name "Vishal" and the last name "Patel" clearly distinguishable.

Vishal Patel
Primary Patent Examiner
Tech. Center 3673